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Attorney for Defendant:
KENNETH MARTIN KYLE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)	CASE NO. CR 10 0245 JSW
)	
Plaintiff,)	
)	JOINT STATUS CONFERENCE
)	STATEMENT
- against -)	
)	DATE: February 2, 2012
KENNETH MARTIN KYLE)	TIME: 2:00 P.M.
)	
Defendant.)	COURTROOM: 11
)	

1. GOAL

The government and the defense are working together to fashion a new plea agreement. The goal is to find an agreement which will provide Mr. Kyle with some realistic hope to be released from prison before he dies. The parties prefer to try to resolve this matter by plea agreement, rather than by trial.

Joint Status Conference Statement

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The defense has engaged Linda Kahn, an actuary, to provide an estimate of Mr. Kyle's life expectancy. It has taken longer than expected to gather the necessary information. The defense hopes that Ms. Kahn's report will be ready by mid-February. The government, the defense and the probation department have met in person and are working together to achieve the goal set forth above.

Defense counsel has spoken with Kathy Alizadeh of the District Attorney in St. Louis County. The Missouri state case against Tessa Van Vlerah is set to commence trial on January 30, 2012. The result in that case will help to guide the parties and the Court in Mr. Kyle's case.

The parties are prepared to appear before the Court on February 2, 2012. If the Court chooses to extend the February 2, 2012 date, then the parties request that time be excluded to allow time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties

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Joint Status Conference Statement

1 agree that the ends of justice served by granting such a continuance outweighed the best
2 interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

3 If the Court wishes to continue this matter, the parties suggest March 8, 2012 at
4 2:00 p.m..

5 SO STIPULATED.

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8 Date: 1/24/2012 LS1
9 OWEN MARTIKAN
Assistant United States Attorney

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11 Date: 1/24/2012 David Michael Bigeleisen
12 DAVID MICHAEL BIGELEISEN
13 Attorney for Defendant:
14 KENNETH MARTIN KYLE
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27 *Joint Status Conference Statement*

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Plaintiff,)

- against -)

KENNETH MARTIN KYLE)

Defendant.)

CASE NO. CR 10 0245 JSW

[PROPOSED] ORDER CONTINUING
STATUS CONFERENCE AND
EXCLUDING TIME

This matter is scheduled for a status hearing on February 2, 2012. The Court
has received the parties' Joint Status Report, and it HEREBY CONTINUES this matter

[Proposed] Order Continuing Status Conference and Excluding Time

1 to March 8, 2012 at 2:00 p.m.. It is FURTHER ORDERED that the time between
2 February 2, 2012 and March 8, 2012 shall be excluded, pursuant to the parties'
3 agreement and this Court's finding, because the failure to grant such a continuance
4 would deny defendant effective preparation of counsel, taking into account the due
5 diligence of counsel, and that the ends of justice served by granting such a continuance
6 outweigh the defendant's and the public's best interests in a speedy trial. 18 U.S.C.
7 § 3161(h)(7)(B)(iv).

8 **IT IS SO ORDERED.**

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11 Dated: _____

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14 _____
15 JEFFREY S. WHITE
16 UNITED STATES DISTRICT JUDGE
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